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Viewing cable 09BUENOSAIRES1017, ARGENTINA: CFK'S NEW CABINET CHIEF

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Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

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If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#09BUENOSAIRES1017**.

Reference ID	Created	Released	Classification	Origin
09BUENOSAIRES1017	2009-09-10 15:23	2011-08-30 01:44	SECRET//NOFORN	Embassy Buenos Aires

Appears in these articles:

<http://www.lanacion.com.ar/1364385-criticas-furibundas-a-paraguay-bolivia-y-peru>

VZCZCXYZ0013
PP RUEHWEB

DE RUEHBU #1017/01 2531523
ZNY SSSSS ZZH (CCY ADAEBDBB MSI7235-695)
P 101523Z SEP 09
FM AMEMBASSY BUENOS AIRES
TO RUEHC/SECSTATE WASHDC PRIORITY 4324
INFO RUCNMER/MERCOSUR COLLECTIVE PRIORITY
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
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S E C R E T BUENOS AIRES 001017

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C O R R E C T E D C O P Y C A P T I O N

E.O. 12958: DECL: 09/10/2039
TAGS: [PGOV](#) [PREL](#) [SNAR](#) [KCOR](#) [ECON](#) [AR](#)
SUBJECT: ARGENTINA: CFK'S NEW CABINET CHIEF

REF: A. TDX-315/090481-08 AND TDX-315/042493-09

1B. TD-314/65216-07
1C. TD-314/67647-07
1D. BUENOS AIRES 0126
1E. BUENOS AIRES 0750
1F. BUENOS AIRES 0980 AND PREVIOUS
1G. TD-314/046516-08
1H. 08 BUENOS AIRES 1550 AND PREVIOUS
1I. 08 BUENOS AIRES 1478
1J. 08 BUENOS AIRES 0322
1K. TD-314/08212-07
1L. TD-314/043023-09
1M. TD-314/054350-09

Classified By: CDA Thomas P. Kelly for reasons 1.4 (B) and (D).

11. (S) Summary: Argentine President Cristina Fernandez de Kirchner's (CFK) promotion of former Justice Minister Anibal Fernandez (AF) to Cabinet Chief puts in place someone with six years of experience working for the First Couple, first as former president Nestor Kirchner's Interior Minister and then as CFK's Justice Minister. By dint of his office's physical proximity to the President's as well as his portfolio's constitutional responsibilities, AF is in a position to wield significant power and influence, and is already playing a key role in shaping Casa Rosada politics, policy, and message.

12. (S) AF has been the most accessible member of CFK's Cabinet for the Embassy, but, unlike his two immediate predecessors, he has also not been shy about vociferously attacking the USG (or any other target) in order to defend the Kirchners. Like many Argentine politicians, he is dogged by corruption rumors, including ties to narcotrafficking, according to unsubstantiated press and intelligence reports (ref A). Additionally, he is suspected of directing intelligence teams to clandestinely monitor the emails of the administration's political opponents, according to separate intelligence reports (refs B and C), and he has been linked to reported CFK administration efforts to secure additional votes illegally in Buenos Aires and Cordoba provinces ahead of the June midterms. Despite the varied and persistent accusations of corruption lodged against him, however, there is no hard evidence. End Summary.

CFK Rewards Fernandez' Loyalty with Cabinet Chief Post

13. (C) Former Minister of Justice, Human Rights and Security Anibal Fernandez (AF) became CFK's third Chief of Cabinet since she assumed office in December 2007. A longtime Peronist and a close ally of former President Nestor Kirchner (NK), AF has worked over six years for the presidential couple, since the first day of NK's term. He has been one of the administration's most outspoken public defenders, first while serving as NK's Interior Minister and later as CFK's Justice Minister. Many viewed AF's promotion to Cabinet Chief as a reward for securing in his hometown of Quilmes one of the few significant Kirchner victories in the June 28 mid-term elections (ref E).

Origins of the Cabinet Chief Post

14. (C) As Cabinet Chief, AF has considerable power and influence. The authors of the 1994 constitutional reforms intended the position to be a check on presidential power as a watered-down prime minister, although in practice the Cabinet Chief has become a presidential chief of staff, spokesman, and all-purpose firefighter. The Cabinet Chief is technically responsible for the collection of national taxes; submitting the executive's budget request to Congress; co-signing executive decrees; appointing administration employees not designated by the President; and overseeing the Cabinet's ministers. Additionally, the President's Cabinet Chief is expected to report at least monthly to Congress, alternating between the Lower House and the Senate. (Note: The last two cabinet chiefs, Alberto Fernandez and Sergio Massa, appeared before Congress less than once a year; Anibal

Fernandez will make his first such appearance this week.)

Under the Ks, Cabinet Chief Influence Grew

¶5. (C) Under the Kirchner administration, the cabinet chief position has grown in influence beyond its constitutionally-proscribed powers. Since 2002, the Argentine Congress has annually authorized economic "superpowers" for the executive branch. Originally enacted to address the 2001 financial crisis, these controversial superpowers enable the Cabinet Chief to redistribute federal funds coming from export taxes and tax collections above and beyond budget estimates, at the President's discretion.

¶6. (C) The Cabinet Chief's influence ultimately depends on his relationship with the First Couple. AF's immediate predecessor, the media-friendly Sergio Massa, reportedly had differences with NK over style and substance. Their tense relationship soured even further with NK's poor showing in Massa's hometown in the June 28 midterm elections (ref E). Alberto Fernandez (not related to AF), who served as CFK's and NK's first Cabinet Chief, was one of the few capable of moderating the temperamental First Couple. But even he was unable to walk the Kirchners back from their take-no-prisoners approach to an extended conflict with the farm sector, and he resigned in July 2008 out of frustration (ref F). Amid a cabinet that does not speak much to the media, Anibal Fernandez has long been one of the most visible spokesmen for the Kirchners, and his influence over policy and political decisions will likely grow in his new post.

Embassy Interaction with Fernandez

¶7. (C) AF has been for us the most accessible and forward-leaning member of CFK's Cabinet, welcoming USG law enforcement training and cooperation (ref G). Again and again, he has gone out of his way to rearrange his travel schedule to meet with visiting U.S. officials and greet Embassy officials at diplomatic events. Although he has frequently told us that he is the most "pro-American" member of CFK's Cabinet, we think this reflects his deep-seated pragmatism rather than any abiding affinity for the United States. Our positive working relationship with Fernandez, for example, did not stop him from criticizing the United States to protect the Kirchners, as he did during the 2007-08 suitcase scandal (ref H). Nonetheless, he was one of the first Argentine officials to assure Embassy officials that the suitcase scandal was "water under the bridge."

¶8. (C) More political hack than diplomat, AF is a fiefdom-builder who loathes giving up control over strategic resources. When he moved from the Interior Ministry to Justice, for example, he took the internal security agencies with him. Many believe that even now, as Cabinet Chief, AF retains operational control over the law enforcement forces.

¶9. (C) Although AF confided to the Embassy's former LEGAT that he was not in a position to micromanage the Ministry of Justice at first, he said he immediately centralized control once he got the lay of the land. As Chief of the internal security forces, including the Border Patrol/Paramilitary Police (Gendarmeria Nacional), Coast Guard, federal police, and special airport police, AF quickly imposed a strict vertical hierarchy where he discouraged information sharing and commanded security chiefs to report directly to him. He has boasted to Embassy officials that while his predecessor at Justice, Alberto Iribarne, only signed a few ministerial decrees, he signed hundreds. Judicial contacts have told us that as Justice Minister, he even tried to pressure provincial judges to advise him of any judicial assistance requests from federal judges, but subsequently backtracked on that position after judges complained that the directive interfered with judicial independence. His micro-management over even routine matters in his portfolio resulted in bureaucratic backlogs for us. Naming participants to U.S. training programs, the visits of Transportation Security

Administration teams to conduct airport/air carrier assessments, and clearance for U.S. Federal Air Marshals all required his personal approval. Once, when the DCM visited Fernandez's Chief of Staff at Justice, Fernandez got wind of the meeting while it was in progress, got into a car, and stormed into the office, taking over the meeting while the chief of staff clammed up.

¶10. (C) A pragmatic and politically savvy interlocutor, AF prefers not to include his staff in meetings with Embassy officials. Although he is always well-prepared, his speech and demeanor can sometimes be crass. On more than one occasion, he has taken obvious notice of an attractive translator during a meeting with visiting U.S. officials. Additionally, he has referred to the existence of local "demand for young genitals" when explaining the challenges his Ministry faces in fighting human trafficking for the purposes of sexual exploitation.

AF Denies Drug Problem, Advocates Decriminalization

¶11. (C) Although he has not interfered with USG CN activity here insofar as we can ascertain, AF has frequently denied that drug trafficking is a major problem in Argentina, despite evidence indicating that Colombian and Mexican drug cartels operate in Argentina, and that Argentina leads Latin America in cocaine consumption. AF insists that Argentina is merely a transit point and continues to deny the existence of drug labs in Argentina. In an October 2008 workshop on Argentine narcotics policy, AF described press reports claiming that drug cartels had established production facilities in Argentina (ref I) as mere fiction. He is also a long-time advocate for the decriminalization of drug use, saying he dreams "of the day when drug addicts are sent to rehab instead of prison." AF argues that the government should stop focusing on small-time carriers in order to focus on dismantling large drug trafficking networks (ref J).

¶12. (S/NF) According to late December 2006 intelligence reporting (ref K), AF advised then Vice-President Scioli that he should not make counternarcotics his number one campaign issue when he ran for Governor of Buenos Aires province. Reasoning that the narcotraffickers are well-organized with the capacity to frame politicians, AF suggested that Scioli pay only lip service to counternarcotics efforts. He argued that Scioli should not assume the risks since drug-related crimes would never be resolved.

Ties to Drug Trafficking?

¶13. (S/NF) Unsubstantiated press and intelligence reports (refs A and M) suggest that AF may be financially profiting from narcotrafficking. These reports state that AF's ties to narcotrafficking date back to 1994 when AF was mayor of Quilmes and allegedly directed a cocaine trafficking network. The Embassy's DEA section has heard similar allegations from contacts at the Argentine Counternarcotics Secretariat (SEDRONAR), which has been at loggerheads with AF. SEDRONAR contacts told poloff that AF personally called off an ongoing drug investigation in Salta province near the Bolivian border when he got wind of the investigation.

¶14. (S/NF) We have no information to corroborate these allegations, and we are unaware of any formal legal complaint against him on narcotrafficking charges. However, there are two formal legal complaints pending against former subordinates -- including Federal Police officials -- for protecting or willfully ignoring various illegal brothels in the Monserrat neighborhood (within a five-block radius of Federal Police headquarters) in Buenos Aires City where the sale of drugs is suspected.

Spying on the Opposition

¶15. (S/NF) Intelligence reporting suggests that AF has not

hesitated to resort to questionable means to keep tabs on political opponents. In mid-May 2007, AF, as Interior Minister, allegedly directed a private intelligence team composed of retired military and intelligence officers to clandestinely monitor the emails of provincial and federal government officials, business executives and journalists suspected of working against NK's administration (ref B). In September 2007, he reportedly used a private, unofficial investigative team to read the emails and collect derogatory information on then-gubernatorial candidates for Buenos Aires province, Francisco de Narvaez and Juan Carlos Blumberg, and Buenos Aires province Minister of Security Leon Arslanian (ref C). According to intelligence reporting in November 2007, AF used two computer technicians to hack into high-level email accounts, including Chief Justice Lorenzetti's email (ref G). San Isidro judge Sandra Arroyo-Salgado (wife of Alberto Nisman, the Special Prosecutor investigating the 1994 bombing of the Argentine Jewish Mutual Association (AMIA)) is investigating AF's relationship with the two technicians, according to press reports. (Note: These technicians in the past have been associated with Argentina's State Secretariat for Intelligence (SIDE) and sought asylum in Uruguay.)

¶16. (S/NF) AF reportedly may have played a tangential role in illegally bolstering voter registration ahead of the June 28 midterms, according to a June 2009 intelligence report. He supported efforts -- led by Interior Minister Florencio Randazzo and Secretary of Intelligence Hector Icazuriaga -- to illegally procure national registry identification numbers (DNIs) to register ostensible supporters and secure additional votes in Buenos Aires and Cordoba provinces (ref L).

Transparency

¶17. (C) Although AF once bragged to the Embassy's former LEGAT that he has a "transparent and honest style," he did little as Justice Minister to fortify his agency's anti-corruption efforts or enhance governmental transparency. Admittedly, the MOJ's Anti-Corruption Office (ACO) was a weak unit to begin with, but it made no headway during AF's tenure. Contacts who work for the Cabinet Chief's government accountability and transparency unit have expressed concern that the GOA will become even less transparent under his watch. They note that since AF took over as chief of the internal security forces, criminal statistics are no longer public information. Indeed, despite public alarm over rising insecurity, AF refuses to acknowledge a rise in robberies and kidnappings and instead has argued that insecurity is only "a sensation fed by the media."

Corruption

¶18. (C) Like many Argentine politicians, AF has been dogged by rumors of corruption. In recent years, some Embassy contacts have alleged that AF has a corrupt relationship with the Japanese computer company, NEC. When AF was mayor of Quilmes (1991-1995), he was charged with several counts of corruption, becoming a fugitive for 48 hours. Although he was later acquitted, he has continued to face accusations of corruption from the opposition, and the allegations remain fresh in the minds of some Argentines. When CFK named him Minister of Justice, one judicial contact told us that many in the judicial system considered the appointment "ironic" and called AF the "fugitive from Quilmes."

Bio Data

¶19. (SBU) AF began his political career in 1983, working first as an advisor to the budget committee of the Buenos Aires provincial Senate. From 1985 to 1987, he served as the administrative secretary for the Peronist party (PJ) in the Buenos Aires provincial Senate. He also simultaneously held positions in the municipal councils of Quilmes and Florencio

Varela. In 1991, AF was elected mayor of Quilmes. In 1995, he won a provincial Senate seat where he presided over the Commission on Public Health and Control over Addictions. He was named provincial government secretary in 1997, labor secretary in 1999, and the province's first labor minister in 2001. AF served in former President Eduardo Duhalde's cabinet as secretary general of the presidency in January 2002, and then as production minister in October of the same year. He switched allegiance to NK in 2004 when the Peronist party split into two factions - one that supported NK and another that supported Duhalde. Since then, Duhalde supporters have called him a traitor and the "first Kirchner convert." In 2007, CFK tapped him to serve as her Justice Minister and on July 7 she named him Cabinet Chief.

¶20. (SBU) AF was born in Quilmes, Buenos Aires Province on January 9, 1957. A public accountant, AF received his law degree while serving as Interior Minister. Although the Kirchners stifled AF's ambitions to run for Governor of BA province in 2007 when they tapped then Vice President Daniel Scioli for the job, AF's power and influence within the Kirchner Cabinet has steadily grown. He accompanied CFK to the United States in July when she went to the OAS to discuss the political crisis in Honduras. He also accompanied her in May 2007 when she addressed the American Jewish Committee as Senator and First Lady. During that visit, he met with the U.S. Attorney General, FBI officials, and State Department officers on TIP-related issues. AF lives in the trendy waterfront Puerto Madero neighborhood in Buenos Aires City with his wife and one son. A fan of technology, he carries multiple cell phones and his office has six television sets permanently tuned in to every local news channel. He speaks limited English.

Comment: Handle with Care

¶21. (S) For USG officials, Anibal Fernandez has long been the most readily accessible GOA cabinet member. That has continued since he became Cabinet Chief, assuming more importance than ever. Fernandez has far better access to the ruling first couple than any other member of the Cabinet; perhaps only reclusive Casa Rosada staffer Carlos Zannini has more influence with the Kirchners. Given AF's importance, accessibility, and the absence of hard evidence to substantiate the allegations described above, we continue to meet and work with him. At the same time, there are enough rumors about Fernandez -- even in this rumor-plagued, conspiratorial society -- to approach interactions with him with some caution.

KELLY